

REMARKS

Claims 1-5, 10-13, 18-20, 24-28, and 33 are now pending in the application, of which Claims 18-20, 24-28 and 33 have been withdrawn from consideration. Claims 1-5 and 10-13 stand rejected. Claim 10 has been amended. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

NOTICE OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment, the Examiner's attention is directed to Claim 25 which has been returned to its previous unamended condition.

REJECTION UNDER 35 U.S.C. § 112

Claims 10-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, in Claim 10, Lines 16-17, the limitation of the shim "is machined from said pallet base to reconfigure said pallet" is vague and indefinite regarding the term "machined" (Claims 11-13 appear to have been rejected solely as being dependent upon a rejected claim). The Examiner's attention is directed to Claim 10 which has been amended to overcome the rejection.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sola et al. (U.S. Pat. No. 5,987,765; hereinafter "Sola '765"). Claims 4-5 and 12-13 stand rejected as being unpatentable over Sola '765, as modified, as applied to Claims 1 and 10 above, and further in view of Sola et al. (U.S. Pat. No. 5,837,901; hereinafter "Sola '901").

During the rejections of the claims, the Office clearly states that none of the references cited teach the claimed limitations:

- a) modular stations being adhesively bonded to the pallet;
- b) that the adhesive includes a bonding pack that includes a shim;
- c) that the shim is coupled to the bottom of the station base via quick debonding adhesive layer;
- d) that the adhesive is electrically conductive;
- e) that the shim is electrically conductive;
- f) that the station base is removable by the application of electric current; and
- g) that the shim is removable by application of electric current to the station base.

The Office further alleges that it is a matter of engineering choice to use these as a securing means in a palletized manufacturing environment. Applicants strongly traverse this characterization. Repeatedly, the Office has attempted to analogize threaded apertures, which do not offer the selective positionability which is a feature of the claimed invention, or the use of magnets which do not offer the required stability, to the Applicants' adhesive based system. In not one instance has the Office shown the use of an adhesive in the removable fixation of stanchions to a pallet. To this end, the Office simply cites "screws, bolts, nails, magnets and adhesive layers" as mechanisms to secure one object to another. None of these fasteners provide the flexibility, stability and reusability of the claimed system. The Office has not provided any references

which teach the use of a shim with adhesive, or that this would even function as intended, or why one skilled in the art would be motivated to use a shim. Similarly, the Office has not offered references which show the use of electrically conductive adhesives or that the application of current to the assembly can be used to disassemble the station from the pallet.

Not only has the Office not provided the teachings of these limitations, the Examiner has not provided sufficient reason or explicit analysis of why the disclosures (which have not been provided) should be combined with the cited references.

Applicants assert there is no suggestion to combine the teachings of the Sola reference with the disclosure (which has not been presented) as advanced by the Examiner, as one skilled in the art would not assume success. Rejections on obviousness grounds cannot be sustained by the mere conclusionary statements. There must be some anticipated reasons with rational underpinnings to support a legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (C.A. Fed.).

Applicants assert the Examiner is clearly using the Applicants' invention as a template to provide a hindsight reconstruction of Applicants' claims. Further, Applicants assert a person of ordinary skill in the art having common sense at the time the invention was made would not have reasonably looked to fixturing jigs of Sola to produce manufacturing pallets.


“[a] fact finder should be aware of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning.” *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d at 1397.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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